

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12963, of Mel Greenberg, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure now exceeding the allowable FAR (Paragraph 7107.21) from the FAR requirements (Sub-section 3302.1 and Paragraph 7107.23) and from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) for a proposed addition to an apartment house which is a non-conforming structure in an R-5-B District at the premises 2138 California Street, N.W. (Square 2530, Lot 192).

HEARING DATE: May 13, 1979

DECISION DATE: May 13, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of California Street, between Phelps Place and Connecticut Avenue. The subject premises is known as 2138 California Street, N.W., and is zoned R-5-B.
2. The subject lot has an area of 17,876.50 square feet and is improved with a five story building, which houses condominium apartments. The building, known as the Lonsdale, is a non-conforming structure occupying 10,298 square feet of the lot.
3. Two apartment buildings, the Envoy and Westmoreland apartments, abut the subject premises to the west and to the east respectively.
4. The subject premises has a rear yard which varies in depth from fifteen feet to 10.5 feet which faces the rear yards of houses which front on Leroy Place, N.W.
5. There is an existing fire escape at the rear of the building in the rear yard. It is an exposed steel structure and is in a state of disrepair. The fire escape serves as the required second egress from the building.

6. The applicant proposes to enclose and replace the existing fire escape with a new staircase and construct fifteen new balconies, five each on the third, fourth and fifth floors of the apartment building.

7. The proposed balconies will be constructed in the closed court at the center of the building and in the rear yard. They will project four feet from the face of the building. There will be no balcony at the first floor. There may be access to grade at that level.

8. The proposed fire escape will be fully protected from the weather and will continue to serve only as an egress from the building. It will project eight-feet four inches into the rear yard, leaving a rear yard which averages only 5.17 feet.

9. The applicant needs a variance of 9.83 feet from the rear yard requirement.

10. The renovation of the fire escape and the addition of the balconies will increase the size of the structure. The applicant therefore requests a variance from the FAR requirements.

11. The existing gross floor area is 50,464.73. The proposed addition will increase that amount by 606.92 square feet, or 0.03 FAR. The R-5-B District with an FAR of 1.8 permits only 32,177.70 square feet.

12. A parking lot separates the eastern side of the subject building from the Westmoreland Cooperative. The rear yards of the dwellings on Leroy Place also serve to remove the subject building from surrounding buildings.

13. The proposed additions will not exceed the present height of the building, nor the percentage of lot occupancy. However, they will further exceed the allowable FAR.

14. Advisory Neighborhood Commission - 1D, by letter dated June 13, 1979, stated that it had voted to support the application on the grounds that the neighbors most affected felt that the enclosed fire escape was a definite improvement to the appearance of the building. The Board so finds.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is requesting area variances, the granting of which requires showing of a practical difficulty upon the owner inherent in the property. The Board concludes that the practical difficulty is created by the existing small rear yard, and the existing size of the building. The Board notes that the existing fire escape is in a state of disrepair and that an improvement to its condition will enhance the entire structure.

The Board concludes that the reduction in the rear yard requirement will not be detrimental to the public since the rear of the subject building faces the rear yards of the houses on Leroy Place, N.W. The Board notes that the residents of the Westmoreland Cooperative to the east are appreciative of the improvement.

The Board also concludes that although the renovations and additions will further exceed the allowable FAR, the increase is very small and represents a definite improvement to the building.

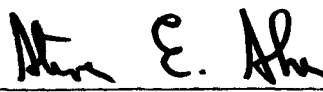
The Board further concludes that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 5-0 (Chloethiel Woodard Smith, Walter B. Lewis, William F. McIntosh, Charles R. Norris and Leonard L. McCants to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

17 AUG 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.